

Coss & Momjian, LL

Attorneys at Law

111 Presidential Boulevard, Suite 2

Bala Cynwyd, PA 19004

Telephone: 610-667-6800

Fax: 610-667-6620

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC#:

DATE FILED: 06/16/2021

June 15, 2021

MEMO ENDORSED

Via Electronic Court Filing and Email


The Honorable Andrew L. Carter, Jr.  
United States District Court, Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007

Re: Teachers Insurance and Annuity Association of America v. Melanie Simons, Case No. 1:21-cv-03712-ALC

Dear Judge Carter:

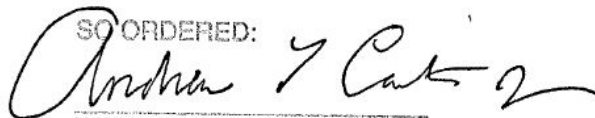
We are writing to advise the Court that, pursuant to F.R.C.P. 15, Plaintiff Teachers Insurance and Annuity Association of America ("TIAA") will be filing an amended complaint as of right, rendering Defendant's pending motion to dismiss moot. Since TIAA's deadline to file the amended complaint under F.R.C.P. 15(a)(1)(B) is not until June 30, after its June 23 deadline to respond to Defendant's motion to dismiss, we wanted to advise the Court accordingly. Consistent with Rule 2.D.i. of the Court Individual Practices, we also request that the Court cancel the current briefing schedule on the soon-to-be-mooted motion to dismiss.

Respectfully submitted,

  
Christopher C. Coss

cc: Counsel for Record (via ECF and email)

**Defendant's motion to dismiss is DENIED as moot. The Clerk of Court is respectfully directed to terminate ECF No. 27. Plaintiff is hereby ORDERED to submit its Amended Complaint by no later than June 30, 2021.**

SO ORDERED:  
  
HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

Dated: June 16, 2021